

REMARKS

Claims 1-4 and 8-11 were rejected under 35 USC 102(e) as being anticipated by Manolis et al (US 6,583,799)

By this amendment claims 1 and 8 have been amended which will be discussed below. Applicants request that the Examiner reconsider his final rejection. This is the first time that Manolis et al has been cited in this application. The MPEP states at 706.07(a) that if a rejection is made on prior art on a new reference, that reference should not have reasonably been expected to be applied against the claims prior to their change. The changes that were made to the claims were minor and the same reasons that Manolis et al has been cited for, could have been cited with respect to the claims as originally filed.

Claims 1 and 8 have been amended to clearly specify that there is provided a plurality of user selectable times for the transfer of images over the channel from the local memory location to the remote memory location. The user selects one of such selectable times for the transfer. In Manolis et al states that it is inherent that an upload must occur somewhere in time after the user starts the upload. There is nothing in Manolis et al that would suggest, disclose or motivate one to select from a plurality of different times for convenient transfer of the image data. As clearly pointed out in the Advantages, the time that can be selected can be such that it does not interfere with the user's operation of his or her computer or the time when the channel may be under heavy demand.

New claims 12-15 specify particular times for image transfer that can be entered by the user.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,



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